

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Fieldturf USA, Inc., et al.,	:	JUDGE PATRICIA A. GAUGHAN
	:	
	:	
Plaintiff(s),	:	CASE NO. 1:06CV2624
	:	
v.	:	
	:	<u>CASE MANAGEMENT ORDER</u>
Sports Construction Group, LLC., et al.,	:	
	:	
Defendant(s).	:	

A Case Management Conference was held in this matter on 12/19/06. The parties and counsel of record agreed to the following, and **IT IS ORDERED** that:

1. This case is assigned to the expedited/standard/complex/administrative/mass tort case management track.

2. This case is/is not suitable for Electronic Case Filing (ECF).

3. This case **is/is not** suitable for **Early Neutral Evaluation/Mediation/Arbitration**.

 X This case **is not** suitable for ADR at this time but may be after discovery.

 This case **is not** suitable for ADR at any time.

4. The parties do/do not consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

5. **Exchange of Proposed Terms and Claim Elements for Construction** deadline is 3/06/07.

Exchange of Preliminary Claim Constructions and Extrinsic Evidence deadline is 3/26/07.

Claim Construction Discovery deadline is 5/01/07.

Markman Brief is due 6/01/07. **Brief in Opposition** is due 6/15/07. **Reply Brief** is due 6/22/07.

6. **Non- Expert Discovery** shall be completed on or before 11/01/07.

Expert reports shall be exchanged on or before 11/01/07 /
(Party with the burden of proof)
12/01/07 and **Expert Discovery** shall be completed on or before 1/04/08.
(Rebuttal)

7. The **pleadings shall be amended** and new parties shall be joined on or before _____
3/28/07. **Answer to the counterclaim** is due 1/16/08.

8. **Dispositive motions** shall be filed on or before 2/01/08. Motions for summary judgment prior to the completion of discovery relevant to the issues raised are discouraged.

9. In accordance with Local Rule 7.1, a brief in opposition to a motion for summary judgment or motion to dismiss is due thirty (30) days after service of the motion, and a reply brief is due ten (10) days after service of the brief in opposition. No request for an extension of time will be entertained unless it is filed prior to the response date from which extension is sought and it indicates whether opposing counsel consents or objects to the requested extension.

10. A **Status Conference** is set for 4/04/07 at 9:30 a.m.. Parties are/**are not** required to appear in person. (If parties are **not** required to appear in person, they **must** be available by telephone.) Counsel must appear in person unless otherwise ordered by the Court.

Counsel shall confer in person or by phone within seventy-two (72) hours of any scheduled status conference to discuss outstanding issues and respective positions as to settlement. Counsel shall provide to the Court (by mail, hand delivery or fax), no later than forty-eight (48) hours of the status conference, a brief written Status Report describing the status of discovery, settlement positions and issues to be addressed.

In accordance with Local Rule 16.3(d), parties with settlement authority and lead counsel **must** participate in person, unless otherwise ordered by the Court. If parties are not required to appear in person, they must be readily available by telephone.

s/Patricia A. Gaughan

PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE